

FILED

OCT 14 2014

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

Attachment A - Bivens Complaint form

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

MARVIN X. DAMON

REG. NO. 33793-083

(Enter above the full name of the plaintiff
or plaintiffs in this action)

(Inmate Reg. # of each Plaintiff)

v.

CIVIL ACTION NO. 1:14-26833
(Number to be assigned by Court)

BART MASTERS, WARDEN,

JOHN BOWLING, FOOD SERVICE ADMINISTRATOR,

J. TABOR, ASSISTANT FOOD SERVICE ADMINISTRATOR,

JOHN BOYD, FEDERAL BUREAU OF PRISONS, FOOD SERVICE EMPLOYEE.

(Enter above the full name of the defendant
or defendants in this action)

Defendant(s).

COMPLAINT

I. Parties

A. Name of Plaintiff: Marvin X. Damon
Inmate No.: 33793-083
Address: Federal Correctional Institution-Hazelton
P.o. Box 5000
Bruceton Mills, Wv 26525

B. Additional Plaintiff(s) (provide the same information for each plaintiff as listed in Item A above).

Name of Plaintiff: N/A

Inmate No.: _____

Address: _____

Name of Plaintiff: N/A

Inmate No.: _____

Address: _____

C. Name of Defendant: Bart Masters

Position: Warden

Place of Employment: Federal Correction Complex -FCI-McDowell
101 Federal Drive
Welch, West Virginia 24801 (304)436-7300

D. Additional Defendant(s) (provide the same information for each defendant as listed in Item C above):

Name of Defendant: John Bowling

Position: Food service administrator

Place of Employment: FCI-McDowell-101 Federal Way/P.o. Box 1029
Welch, Wv 24801 (304)436-7390 Fax:(304)436-7399

Name of Defendant: J. Tabor

Position: Assistant Food Service Administrator

Place of Employment: FCI-McDowell-101 Federal Way/P.o. Box 1029
Welch, Wv 24801

Name of Defendant: John Boyd

Position: Food Service employee

Place of Employment: FCI-McDowell-101 Federal way/P.o. Box 1029
Welch, Wv 24801

II. Place of Present Confinement

Name of Prison/Institution: Federal Correctional Institution-Hazelton, Wv

A. Is this where the events concerning your complaint took place?

Yes _____ No X _____

If you answered "no," where did the events occur? Federal Correctional Institution-McDowell: P.O. BOX 1009, Welch, Wv 24801

B. Is there a prisoner grievance procedure in this institution?

Yes X _____ No _____

C. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes X _____ No _____

If you answered "no," explain why not: _____

If you answered "yes," what was the result at level one, level two and level three (attach grievances and responses): See attached (BP-8) W/response:(BP-9), W/response:(BP-10) W/response: (BP-11) W/ a MEMORANDUM dated, July 18, 2014. See Plaintiff's Memorandum of Law, Page 2, and footnote 2; Incorporated by reference.

III. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonments?

Yes _____ No X _____

B. If your answer to A is "yes," describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to the previous lawsuit:

Plaintiff(s): _____ N/A _____

Defendant(s): _____ N/A _____

2. Court (if federal court, name the district; if state court, name the county);

N/A

3. Docket Number: _____ N/A

4. Name of judge to whom case was assigned: _____ N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)
N/A

6. Approximate date of filing lawsuit: _____ N/A

7. Approximate date of disposition: _____ N/A

IV. Statement of Claim

State here, as briefly as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets of paper if necessary.)

* (See Accompanied, "MEMORANDUM OF LAW, IN SUPPORT OF (BIVENS ACTION) PURSUANT TO 28 U.S.C §1331.") ; Also See: Accompanied, "APPENDIX TO MEMORANDUM OF LAW, IN SUPPORT OF BIVENS ACTION PURSUANT TO 28 U.S.C §1331", and Incorporated by reference.

V. Relief

State briefly and exactly what you want the Court to do for you. Make no legal arguments.
Cite no cases or statutes.

1) Requesting the Court to hold a jury trial; 2) Requesting the court
order each defendant pay the Plaintiff the amount in compensation Damage
of \$100,000.00 each and each defendant pay additional \$75,000.00 in Punitive
Damages; Also See, Plaintiff", Memorandum of Law, In support of Bivens Action
Pursuant To 28 U.S.C §1331", Page 13. (Incorporated by reference).

Signed this 9 day of October, 2014.



Marcella Ortega

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9th 2014
(Date)



MCD-1330.16
 Administrative
 Remedy Program
 July 30, 2010
 Page 4
 Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY
 INFORMAL RESOLUTION FORM
 FCI/FPC McDowell
 Welch, WEST VIRGINIA

The Bureau of Prisons Program Statement on Administrative Remedy Procedures for Inmates states that before an inmate seeks formal review of a complaint, he must try to resolve the complaint informally by presenting it to a staff member. The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INMATE'S NAME: DAMON, Marvin

NO. 33793-083 UNIT A1

1. Specific Complaint: This complaint is being bought/submitted against Food Service employee, Mr. Boyd; and the food service Department, at FCI-McDowell; To-Wit: On December 30th, 2013, The Nation of Islam, "Religious Ceremonial Meal menu", request, were executed and approved by, (Cont'd next page,

2. Relief Requested: Continue on next page,

3. Date/Time Complaint received from inmate:

3-6-14 220 PM

4. Date/Time Informally discussed with inmate:

5. Staff Response: See Attached

6. Date Administrative Remedy provided: 3-10-2014 18:00 PM

7. Informal Resolution was / was not accomplished.

Marvin Damon
L. Stock / ICCC
 INMATE'S SIGNATURE/REGISTER NO.

3/10/2014
 DATE

STAFF MEMBER'S NAME & TITLE

3-10-2014
 DATE

UNIT MANAGER'S SIGNATURE

DATE

DISTRIBUTION: If the complaint is informally resolved before being received, the Correctional Counselors shall maintain the informal resolution form for future reference. If the complaint is not informally resolved, forward the original resolution form, attached to the Administrative Remedy Form, to the Administrative Remedy Clerk.

DATE:

Attachment B

O:

Administrative Remedy File

the Food Service Administrator, Mr. John Bowling. In that menu we(N.O.I) requested, (NAVY BEANS) for our ceremonial meal. On Tuesday, February 25th, 2014, at approximately 2:35pm, The Nation of Islam, held it's annual Religious Ceremonial Meal in food service Inmates dinning room. However, while coming through the mainline to get my ceremonial meal/tray; I noticed that "Kidney Beans", were being used and served for the ceremonial meal, which is forbidden for us to eat and are inconsistent with religious dietary laws; thus, since, Mr. Boyd were presence at the time and overseeing the ceremonial meal. I than complained to him, by asking him, what happen to the "Navy Beans", that were suppose to be served, he replied, by saying: "Beans-is-Beans". This verbal response, by Mr. Boyd did not remedy this violation, nor did he attempted to make a reasonable accommodation, based on our Religious dietary Laws. Thus, the failure of Mr. Boyd, and/or the Food Service Department to accommodate the Nation of Islam with the "Navy Beans", as a requirement during our ceremonial meal, infringed on my religious belief and practices.

RELIGIOUS BELIEFS AND PRACTICES/DIETARY LAWS. Accordingly, to the "How To Eat To Live", book, by The Honorable Elijah Muhammad, he teaches, "No beans did he advise, except, the small navy beans, do we eat", Vol. 1, Page 5 (1967); See also, The Religious Beliefs and Practices, (TRM), T5360.01, Page 15, Number: 7, the section, Title, "How To Eat To Live", which states, relevant in-part: "The small navy beans are good, to eat". Paragraph C. In addition-Religious Beliefs and Practiees, in Program Statement (P5360.09), Page 19, Paragraph 6, states: "Ritual or traditional foods must be consistent with the faith group's religious dietary laws". THEREFORE, the refusal to accommodate, the Nation of Islam, with the 'NAVY BEANS', instead, of the "Kidney Beans", were not consistent with, the Nation of Islam, Religious dietary laws and Religious Beliefs and Practices, thus, violates my Religious Beliefs and Practices.

RELIEF SOUGHT:

- a) Requesting \$100.000(One-Hundred Thounsand Dollars)in Damages, for the violation of my Religious Beliefs and Practices-in violation of the First Amendment to the United States Constitution; and
- b) Requesting, that Mr. Boyd, and all FCI-McDowell food service employee's, go through, a course of special traning and be educated, by a qualified 'dietitian', by being familiar with each religious faith group's dietary laws/and religious practices.^{1/}

Respectfully submitted,
/s/ M. Damon
Marvin Damon-Reg.No. 33793-083
Federal Correctional Institution
McDowell
P.O. BOX 1009
Welch, Wv 24801

VERIFICATION.

I, the undersigned, Certify, Verify and declare under the penalties of perjury that the foregoing averment's, in this "INFORMAL RESOLUTION FORM(BP-8)", is true and correct, Pursuant to Title 28 U.S.C 1746; and 18 U.S.C 1621. Executed: On this 5, day of March 2014. 2/

/s/ M. Damon
Marvin Damon
Affiant.

1/ PLEASE TAKE NOTICE: "No retaliation can be taken against staff or inmates who report any such violation." See: PS3420.09, attachments, A-Page 18,(Standard of Employee conduct).

2/ Williams v. Griffin, 952 F.2d 820,823(4th Cir. 1991)(("Verified complaint carries the same weight as an affidavit,if based on matters within affiant's knowledge").

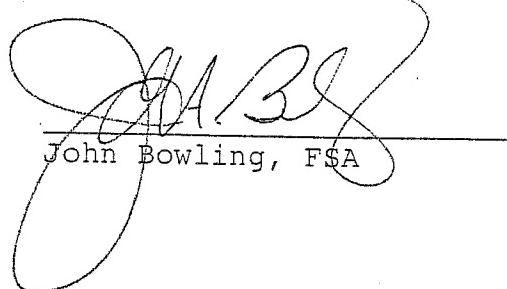
INMATE REQUEST TO STAFF MEMBER

Inmate: Damon, Marvin
No.: 33793-083
Qtr: Unit A-1

I am in receipt of your complaint where-in you allege a religious violation for the substitution of Kidney beans for the requested navy beans for the recent Nation Of Islam Religious Ceremonial Meal. A review of your complaint reveals, navy beans were not available "in-stock" at the institution and a substitution was made using Kidney Beans.

Upon further investigation, it has been verified, the use and consumption of kidney beans is not forbidden for consumption through Islamic Law.

3-07-2014
Date


John Bowling, FSA

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: DAMON, Marvin, J
 LAST NAME, FIRST, MIDDLE INITIAL 33793-083 A1-Unit FCI -MCD
 REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST I have attached to this (BP-9), the original copy my (BP-8); and the original copy of the response, from Mr. John Bowling(FSA), title "Inmate Request To Staff", dated, 3/07/2014. Further, for the sake of brevity, I, the undersigned, Hereby and incorporate by reference, the fact's, as stated, in the undersigned (BP-8), as if set-forth, here at-length vice-versa. Furthermore, "I, disagree with Mr. Bowling response", when he stated: "...navy beans were not available "in-stock" at the institution and a substitution was made using kidney beans". ---Pursuant to Program Statement P5360.09, page 20, it states relevant part: "An inmate request to staff...must be submitted to the chaplain 60 day's before the ceremonial meals requesting ritual/traditional foods. The chaplain will consult with the food service administrator to develope the menu for each ceremonial or commemorative meal at least 45 days before the scheduled date of the observance. This facilitates timely food ordering and preparation".

In this case, the spokesperson for the Nation of Islam , namely, Thomas McCoy, Register number: 55535-083, met with, the (AFSA), Mr. Tabor, to finalize the Religious Ceremonial Meal Menu. The menu were signed by Mr.Tabor, and dated December 30, 2013, thus, this is well in advance, to have procured, the requested 'navy beans', in a timely food, (Cont'd,

3-14-2014

DATE

M Marvin Damon

SIGNATURE OF REQUESTER

Part B- RESPONSE

Administrative Remedy Coordinator
Received

MAR 18 2014

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 771985-F1

Part C- RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



PRINTED ON RECYCLED PAPER

(Cont'd from previous page of (BP-9)/Request For Administrative Remedy).

ordering and preparation. The ceremonial meal was held on February 25, 2014. Further, Mr. Bowling statement regarding the use and serving of the 'Kidney Beans', for consumption, as a substitution, were forbidden by The Nation of Islam-Religious Beliefs and Practices and Religious Dietary Laws, as taught to us and practice by the Honorable Elijah Muhammad; Therefore, the use and serving of the kidney beans, for consumption, were not consistent with our Religious Beliefs and Practices and Dietary laws, in which We also, have a right to avoid eating foods that are forbidden by our Religious Beliefs and Practices. This is also found in the ("B.O.P") own policy. (PLEASE REVIEW THE ATTACHED (BP-8),ADMINISTRATIVE REMEDY). Thus, Mr.Bowling's statement, in his response, that, "it has been verified, the use and consumption of kidney beans is not forbidden for consumption through Islamic Law." Must be rejected; and for also, deliberately, mis-interpreting, the Nation of Islam's, Religious Beliefs and Practices and Religious Dietary Laws, by comparing the("N.O.I") Religious Beliefs and Practices and Dietary Laws, with that of the 'Islamic Law'.

Moreover, at No time, during the exchange of communication between me and Mr.Boyd, did he ever said, that 'Navy Beans', were not "in-stock", as I pointed out in my (BP-8), his word's were,---"Beans-is-Beans". Simply put, it is important to also point-out, that on the very next-day(February 26th,2014), the food service Department, served, 'navy beans', to the general population, during the dinner meal. INTERESTINGLY.

RELIEF SOUGHT:

- a) Requesting, \$100.000(One-Hundred Thounsand Dollars in Damages, for the violation of my Religious Beliefs and Practices-in violation of the First Amendment to the United States Constitution; and
- b) Requesting \$75.000(Seven-Five Thounsand Dollars in Punituve-Damages, for theirs reckless acts, in deliberately violating my Religious Beliefs and Practices, when they knew or should have known, that "kidney beans" were forbidden to be use and serve for consumption, based on my religious beliefs and practices and Dietary Laws, this award is necessary, in order, to deter any future violation/injury of this kind by any federal bureau of prisons employee's, from reoccurring.
- c) Requesting, that Mr. Boyd, and all FCI-McDowell food service employee's go through a course of special training and be educated, by a qualified 'dietition', by being familiar with each religious faith group's dietary laws and religious beliefs and practices.

Respectfully submitted,
/s/ Marvin Damon
Marvin Damon-Reg.No. 33793-083
Federal Correctional Institution
McDowell
P.O. Box 1009
Welch, Wv 24801

VERIFICATION.

I, the undersigned, Certify, Verify and declare under the penalties of perjury that the foregoing averment's, in this "REQUEST FOR ADMINISTRATIVE REMEDY", is true and correct,Pursuant to Title 28 U.S.C. 1746; and 18 U.S.C 1621. Executed On this 14day, of march 2014.

/s/ Marvin Damon
Marvin Damon
Affiant.

REQUEST FOR ADMINISTRATIVE REMEDY

MCD 771985-F1

Your request for Administrative Remedy dated March 18, 2014, has been reviewed, wherein you make an allegation that you disagree with the Food Service Administrator's response on the replacement of navy beans because they were out of stock on the day of the ceremonial meal.

An inquiry into this matter revealed that you were served kidney beans in place of navy beans during your ceremonial meal. Ceremonial meal menus are signed in advance to plan for service of the meals. However, at times, due to unforeseen circumstances, delivery issues arise that are out of the control of the Food Service Department and substitutions have to be made to the menu with like items. The navy beans were ordered with the quarterly subsistence items in January and they did not arrive due to the weather, trucking availability, and other vendor related issues.

Furthermore, Food Service staff made the substitution of kidney beans which is one of the beans you are allowed to consume as a member of the Nation of Islam.

Based on the above information this response is for informational purposes. If you are not satisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Mid-Atlantic Region, 302 Sentinel Drive, Suite 200, Annapolis Junction, Maryland 20701, within 20 calendar days of the date of this response.

Bart Masters

Bart Masters, Warden

4/1/14

Date

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From:	DAMON, Marvin, J	33793-083	A-1	FCI-McDowell
	LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A - REASON FOR APPEAL I, the undersigned, hereby, realleged, and incorporated, by reference, the facts, and the legal contention(s), in his original(BP-8),(BP-9) and (BP-10), as if, set-forth, herein, the instant "BP-10", at-length , vice-versa; and the initial relief being sought. In addition, I, have attached hereto, the original 'BP-8', and the original 'BP-9', including, the Warden's response .. (Remedy I.D. # MCD 771985-F1),dated, 4/1/2014.

REASON FOR APPEAL.First and foremost, I, disagree with, the "BP-8", response, by Mr. John, Bowling(FSA), whereas, he contend's, that, 'navy beans' were not available "in-stock" at the institution and a substitution was made using Kidney Beans. However, this statement by Mr. Bowling is murky, whereas, food service were given the ceremonial menu, well in advance, to have procured , the requested 'navy beans' for our Religious Ceremonial meal, this is accordance, with policy,P5360.09, therefore, there is no-excuse, for their failure, and their, NEGLECTILY, effort, to put-aside, some 'navy beans' for The Nation of Islam, meal. Simply, put, since, January of this year food service, has indeed, been serving 'navy beans' to the General population and including, February, the 26th. Furthermore, Mr.Bowling, has, deliberately, and deliberately, 'deceived' , this administration, through, this administrative remedy process, by also, contending in his response, that it has been verified, that, 'the use and consumption of kidney beans is not forbidden for consumption through Islamic Law'. (Cont'd next page,

4 - 9 - 2014

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

Received

APR 11 2014

Mid-Atlantic Regional Office

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

771985-R1

Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

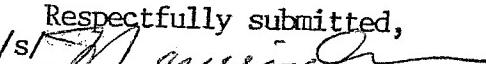
SIGNATURE, RECIPIENT OF REGIONAL APPEAL

(Continuation from previous page of, "Regional Administrative Remedy Appeal"(BP-10)).

Yet, Mr. Bowling has failed to put-forth any evidence, verifying his response. Moreover, that is why, the question is asked, in the Institutional Supplement, for McDowell: "Was any...documentation used to 'verify' the response provided to the administrative remedy?" and the answer is no!, Nor could he. Nevertheless, Mr. Bowling and his food service employee's are all charged with 'imputed' knowledge, as to the Nation of Islam and other religious group's Religious Beliefs and practices and Religious Dietary Laws. 1/

Next, the Warden, contend's in his response, to my ("BP-9"), that, "That navy beans were ordered with the quarterly subsistence items in January and they did not arrive due to the weather, trucking availability, and other vendor related issues".(See, Warden's response, attached to my "BP-9", Administrative Remedy #771985-F1). However, this response, or statement by the Warden is 'murky', For example, if the Warden can contend in his response, but, failed to acknowledge and recognizes the fact, that, navy beans were actually being served to the general population in January and in February,(including the 26th , of February),yet, claim in his response, that no navy beans arrived. Thus, this response, by the Warden, requires, further, investigation by this office, in order, to properly make rational decision in this administrative process. This is particular true,because, the Warden has not offer no documentation to verify his response, in accordance, with McDowell Institutional Supplement, Pursuant MCD-1330.16, administrative remedy, July 30, 2010,Page 5, attachment B, n.7.

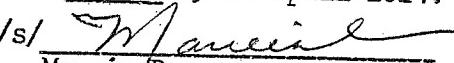
Furthermore, the Warden also, contend's in his response, "...the substitution of kidney beans which is one of the beans you are allowed to consume as a member of the Nation of Islam". This statement by Warden, runs-afoul, of the Nation of Islam Religious Beliefs and Practices and Dietary Laws, especially,when the Warden were made aware in my ("BP-8") and ("BP-9"),that the only beans we eat is the 'navy beans'. Thus, having the Warden being informed of these facts,prior to responding, meaning, his statement that, 'kidney beans which is one of the beans we can eat'; hence, this statement by him, violate's, the Code of Federal Regulations Rule 548.15, states, "No one may disparage the religious beliefs of an inmate..." Consequently, the Warden, has not provided any proof, whatsoever, to back-up his assertion; in order word's the Warden's response, is not based on 'actual facts'.

Respectfully submitted,
/s/ 
Marvin Damon-Reg.No. 33793-083
Federal Correctional Institution
McDowell
P.O. BOX 1009
Welch, Wv 24801

CONCLUSION.

For the foregoing reason(s) stated, herein,(this "BP-11"), the undersigned,respectfully, request, the same relief, as requested in his "BP-8" and "BP-9", by reference.

I, the undersigned, Certify, Verify, and declare under the penalties of perjury that the foregoing, "REGIONAL ADMINISTRATIVE REMEDY APPEAL", is true and correct, Pursuant to Title 28 U.S.C 1746; and 18 U.S.C 1621. Executed: On this 9 day of April 2014.

/s/ 
Marvin Damon
Affiant.

REGIONAL ADMINISTRATIVE REMEDY APPEAL
Part B - Response

Date Filed: April 11, 2014

Remedy ID No.: 771985-R1

You appeal the Warden's response to your Administrative Remedy. Specifically, you disagree with the Warden's response at FCI McDowell because you allege you were served kidney beans instead of navy beans during the ceremonial meal for the Nation of Islam.

An investigation into this matter revealed that you may meet with the chaplain and food service staff to choose options from the national menu to be served during a ceremonial meal. However, there is no guarantee that these menu items will be served during the ceremonial meal. On the date of the ceremonial meal for the Nation of Islam, kidney beans were substituted for navy beans. All other menu items for the Nation of Islam ceremonial meal were served as requested.

Furthermore, at times, due to unforeseen circumstances, delivery issues arise that are out of the control of the Food Service Department and substitutions have to be made to the menu with like items.

Your appeal of the Warden's response is denied. If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534. Your appeal must be received in the General Counsel's Office within 30 days from the date of this response.

APR 28 2014

Date



C. Eichenlaub
Regional Director
Mid-Atlantic Region

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: DAMON, Marvin , J
LAST NAME, FIRST, MIDDLE INITIAL

33793-083

REG. NO.

A-1

UNIT

FCI-McDowell

INSTITUTION

Part A - REASON FOR APPEAL PLEASE TAKE NOTICE: On May 1, th 2014, I received my response back from the Mid-Atlantic, Regional office; However, I noticed, that my original copy of my (BP-8) and (BP-9), in-reference to Remedy #MCD 771985-F and the Regional office remedy #771985-R1, these documents were missing from my envelope when i received my response from the regional. I have e-mail the Warden at this institution, asking him and other agency for an investigation into this matter, because, this were the second time this have happen to my legal mail. I have attached hereto, a copy of the e-mail that i sent to the warden. Therefore, for the purpose of this appeal; I have attached a copy of my (BP-8) and (BP-9); and the Original ("BP-10") with the response's for each administrative remedies. REASON FOR APPEAL: I, the undersigned, hereby and incorporated by reference all the avertments and facts, set-forth in his "BP-8", "BP-9" and "BP-10". I , disagree with the warden's response, and the Regional director response, because, they failed to acknowledged and admit, that Mr. John Bowling(FSA) and Food Service, employee, Mr. John Boyde, both erred when: First, Mr. Bowling failed to ensured that the Nation of Islam "Navy Beans" will be secured; 2) erred when they substituted ~~Navy Beans~~ the 'Navy Beans' with 'Kidney Beans', when they knew or should have known it were forbidden under the Nation of Islam dietary laws; 3) disparaging my religious, by making statements: "Beans-is-Beans". Therefore, this appeal should be granted.

May 8, 2014

DATE

Marvin Damon

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



UNITED STATES GOVERNMENT
MEMORANDUM
FEDERAL BUREAU OF PRISONS

DATE: July 18, 2014

REPLY TO
ATTN OF:

National Inmate Appeals, Central Office

SUBJECT: Administrative Remedy Appeal: 771985-A1

Name: Damon, Marvin
Register No. 33793-083
Institution: Hazelton FCI

1. Your appeal (insert remedy #) was answered on (insert date). If you have not received your copy by now, you may ask the institution Administrative Remedy Coordinator to provide you with a copy from the Warden's Administrative Remedy File.
2. We are in receipt of your Central Office Administrative Remedy Appeal (771985-A1) received on (05-13-2014). In accordance with policy, if you do not receive a response within the time allotted for reply, including extension, you may consider the absence of a response to be a denial. However, each appeal accepted by this office will be responded to and you will be advised once the appeal is completed.
3. Our records indicate that the appeal you reference has not been filed with this office.
4. You have not provided sufficient information for us to respond to your inquiry. If your inquiry concerns an administrative remedy, please provide the case number, the date filed in this office or date mailed by you, your name and register number, and the subject of your administrative remedy. If you cannot provide all of this information, please provide as much as possible.
5. A review of your inquiry reveals it contains issues you should first bring to the attention of institution staff. If you are unable to resolve the issue(s) informally, you may present your complaint to the Warden via the Administrative Remedy Procedure. This procedure is available to inmates confined in federal facilities to complain about any aspect of their confinement.
6. Extensions are granted only if an inmate's submission is untimely by no fault of his own. Requests for extensions are only considered when submitted with the complete appeal packet.
7. Central Office Administrative Remedy Appeal responses are the final agency position. If you are dissatisfied with the response, you may pursue any legal recourse you deem appropriate.
8. We can only address issues within the jurisdiction of the Federal Bureau of Prisons. Your issue is one of _____ jurisdiction.
9. Your appeal was rejected and returned to you on _____.
10. Other: _____